ADDENDUM TO THE REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-FOURTH SESSION

SUPPLEMENT No. 12A (A/44/12/Add.1)

UNITED NATIONS

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New York, 1990

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[30 May 1990]

Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fortieth session

(Geneva, 5 to 13 October 1989)

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REPORT OF THE EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES ON THE WORK OF ITS FORTIETH SESSION*

I. INTRODUCTION

1. The Executive Committee of the High Commissioner's Programme held its fortieth session at the Palais des Nations at Geneva from 5 to 13 October 1989. The session was opened by the outgoing Chairman, His Excellency Ambassador A. H. Jamal of the United Republic of Tanzania.

2. In his introductory statement, Ambassador Jamal said that the past year had been an eventful and yet complex one in which another 700,000 persons had been added to the global refugee population. Yet, at the same time, there was a distressing shortfall of some $40 to $50 million in the resources needed by the Office of the United Nations High Commissioner for Refugees (UNHCR) to perform its humanitarian functions. Referring to the measures which had been set in motion in relation to UNHCR by this state of affairs, Ambassador Jamal expressed two particular preoccupations which, he hoped, would turn out to be unwarranted.

3. The first of these, said the outgoing Chairman, was the emerging view that somebody else had responsibility for what has come to be known as irregular movements, without being able to point to a sustainable position. The second was the increasing preoccupation with "prevention", yet refuge was, by its very definition, a fait accompli. Moreover, referring to the racist régime in South Africa, all too often political will, and available means and leverage had not, for most of the post-war period, been exercised to prevent the creation of refugee-like situations, forcible expulsions, destabilization, or people made to live like refugees in their homelands. Ambassador Jamal therefore warned against taking, or making a precedent out of, extraordinary, short-term measures that could both provide moral justification for not committing the needed resources, and inhibit the ability of UNHCR to discharge its protection and assistance mandate.

4. Thus, the outgoing Chairman wished to make an earnest plea to the progressive, humanitarian, reasonably well-endowed societies of the world to provide the needed resources to UNHCR in time, without hesitation. The humanitarian value of such commitments and their contribution to global stability overwhelmingly outweighed the costs and the returns were infinitely greater than for defence expenditures of comparable scale.

5. In conclusion, Ambassador Jamal paid tribute to the members of the Executive Committee and their assistants, the members of his bureau, Ambassador Dannenbring (Federal Republic of Germany) and Mrs. Marilia Sardenberg (Brazil), the High Commissioner and his staff at headquarters and in the field, for the assistance and co-operation given to him during his term of office.

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* Previously issued under the symbol A/AC.96/737.

A. Election of officers

6. Under rule 10 of the rules of procedure, the Committee elected the following officers by acclamation:

Chairman: Mr. Fredo Dannenbring (Federal Republic of Germany)

Vice-Chairman: Mr. Messaoud Ait Chaalal (Algeria)

Rapporteur: Mr. Zenji Kaminaga (Japan)

B. Representation on the Committee

7. The following members of the Committee were represented at the session:

Algeria
Argentina
Australia
Austria
Belgium
Brazil
Canada
China
Colombia
Denmark
Finland
France
Germany, Federal Republic of
Greece
Holy See
Iran (Islamic Republic of)
Israel
Italy
Japan
Lebanon
Lesotho
Madagascar
Morocco
Namibia (represented by the United Nations Council for Namibia)
Netherlands
Nicaragua
Nigeria
Norway
Pakistan
Somalia
Sudan
Sweden
Switzerland
Thailand
Tunisia
Turkey
Uganda
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Venezuela
Yugoslavia
Zaire

8. The Governments of the following States were represented by observers:

Afghanistan
Angola
Bahrain
Bangladesh
Bolivia
Botswana
Bulgaria
Burundi
Chile
Costa Rica
Côte d'Ivoire
Cuba
Cyprus
Czechoslovakia
Democratic Kampuchea
Democratic Yemen
Djibouti
Ecuador
Egypt
El Salvador
Ethiopia
Ghana
Guatemala
Honduras
Hungary
India
Indonesia
Iraq
Ireland
Jordan
Kenya
Kuwait
Lao People's Democratic Republic
Liberia
Libyan Arab Jamahiriya
Malawi
Malaysia
Mauritania
Mexico
Mozambique
New Zealand
Niger
Panama
Peru
Philippines
Poland
Portugal
Romania
Republic of Korea
Rwanda
Senegal
Spain
Sri Lanka
Swaziland
Syrian Arab Republic
Union of Soviet Socialist Republics
Uruguay
Viet Nam
Yemen Arab Republic
Zambia
Zimbabwe

The Sovereign Order of Malta was also represented by an observer.

9. The following bodies of the United Nations system were represented: the United Nations Office at Geneva; the Office of the United Nations Commissioner for Namibia; Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan; United Nations Development Programme (UNDP); Office of the United Nations Disaster Relief Co-ordinator (UNDRO); United Nations Research Institute for Social Development (UNRISD); International Labour Organisation (ILO); Food and Agriculture Organization of the United Nations (FAO); United Nations Educational, Scientific and Cultural Organization (UNESCO); World Health Organization (WHO); United Nations Volunteers (UNV); World Food Programme (WFP).

10. The following intergovernmental organizations were represented by observers: Intergovernmental Committee for Migration; Commission of the European Communities; League of Arab States; Islamic Development Bank; Organization of African Unity.

11. Some 70 non-governmental organizations were represented by observers, including the International Committee of the Red Cross, the League of Red Cross and Red Crescent Societies and the International Council of Voluntary Agencies.

12. The African National Congress of South Africa and the Pan Africanist Congress of Azania were also represented at the session.

C. Adoption of the agenda and other organizational matters

13. The Executive Committee adopted by consensus the following agenda (A/AC.96/733):

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda and other organizational matters.

4. General debate.

5. International protection.

6. Review of UNHCR programmes financed by voluntary funds in 1988-1989 and adoption of the revised 1989 budget and proposed programmes and budget for 1990.

7. Review of developments in UNHCR activities relating to:

   (a) Assistance;

   (b) Durable solutions;

   (c) Refugee aid and development.

8. Administrative and financial questions:

   (a) Status of contributions and overall financial needs for 1989 and 1990;

   (b) Administration and management.

9. Consideration of the provisional agenda of the forty-first session of the Executive Committee.

10. Any other business.

11. Adoption of the draft report of the fortieth session.

14. The Committee considered the report on participation by government observer delegations in 1990. In order to make more time available to Governments to apply for participation, the Committee decided to defer consideration of that matter and to take it up instead under agenda item 10. (The final list of government observer delegations for whom participation in the relevant meetings in 1990 was subsequently approved by the Committee is reflected in section III, paragraph 44 of the present report as a decision of the Executive Committee.)

D. Opening statement by the Chairman of the Executive Committee

15. In his opening statement, the newly elected Chairman, His Excellency Mr. Fredo Dannenbring of the Federal Republic of Germany, expressed his appreciation for his election as Chairman of the fortieth session of the Committee and pledged to do his best towards the success of the session as a whole. He added that he considered the election an honour for his country, which, among other actions on behalf of refugees, had, during the post-war years, resettled over 13 million refugees and, more recently, was absorbing hundreds of thousands of German resettlers from Eastern Europe and the German Democratic Republic. He expressed his gratitude to the outgoing Chairman, Ambassador Jamal, for the way he had discharged his duties as Chairman, and welcomed the other newly elected members of his bureau.

16. Turning to the global refugee situation, the Chairman said that a critical juncture had been reached where, while there were encouraging developments in relation to certain long-standing refugee problems, overall the picture was a sombre one. The global situation had seriously deteriorated, the problems were more complex and total refugee numbers had increased to 13 million. Most of those refugees were in poor developing countries that depended on international humanitarian assistance to cope with this additional burden, yet there was now a serious shortage in the resources necessary for that assistance.

17. In the Chairman's view, it was right that the Committee should turn its attention to the pressing financial situation and the need to find the required resources. On the other hand, that must not detract from efforts to promote durable solutions to refugee problems, primarily, voluntary repatriation, but also, as appropriate, local integration and resettlement. Equally important were better and more imaginative ways to prevent, from the very start, new mass flows of refugees. It was necessary, he explained, to adopt a co-ordinated and integrated approach focusing on resolving the political and economic causes at the root of refugee movements. Unavoidable budgetary and administrative decisions should not replace the further evolution of the Executive Committee's conceptual and political thinking. He then referred to the various international or regional initiatives and approaches, including the recent conferences on Central American and Indo-Chinese refugees, whose conclusions and recommended measures would facilitate the return and rehabilitation of refugees and displaced persons and still benefit the local population as well.

18. Returning more specifically to the financial crisis, the Chairman reiterated that it was the responsibility of the Committee to find an urgent solution to ensure the continuation of vital programmes for the benefit of refugees. In that context, the adoption of the proposal before the Committee on Administrative and Financial Matters would facilitate the more precise identification of the needs to be covered by UNHCR and the resources which could realistically be expected to be provided by the donor community. It would also be necessary, however, for UNHCR to expand its donor base beyond traditional donors and for those efforts to be supported.

19. In conclusion, the Chairman stated that he hoped that the protection of refugees would be enhanced by further accessions to the 1951 Convention relating to the Status of Refugees, 1/ and welcomed to the Executive Committee the delegation of Hungary, whose accession to that instrument and the 1967 Protocol 2/ had brought

the total number of signatories to 106. It was necessary, however, for still more States to accede to those instruments, thus contributing politically and financially to the mitigation of the untold suffering and misery of refugees which, indeed, was what the work of the Executive Committee was all about.

II. GENERAL DEBATE (items 4-11)

20. The High Commissioner's opening statement to the Executive Committee is reproduced in the annex to the present report.

21. A full account of the deliberations of the Committee is available in the summary records of the session (A/AC.96/SR.437-447).

III. DECISIONS AND CONCLUSIONS OF THE COMMITTEE

A. General conclusions on international protection

22. The Executive Committee:

(a) Reiterates the primary nature and fundamental importance of the High Commissioner's protection responsibilities;

(b) Expresses deep concern about the present financial situation of UNHCR and, in that context, calls upon UNHCR, as well as States, governmental and non-governmental organizations and the international community at large, to continue to give the necessary priority to protection activities and to work to ensure their efficiency and effectiveness;

(c) Recognizes that the safety and physical integrity of refugees depend on respect for the basic protection principles and urged States to continue to admit and receive refugees, pending identification of their status and of an appropriate solution to their plight;

(d) Expresses deep concern that refugee protection is seriously jeopardized in some States by expulsion and refoulement of refugees or by measures that do not recognize the special situation of refugees, and calls upon all States to refrain from taking such measures and, in particular, from returning or expelling refugees contrary to fundamental prohibitions against those practices;

(e) Notes with concern that applications for refugee status by persons who clearly have no valid claim to be considered as refugees under the relevant criteria continue to constitute a serious problem in a number of States and may be detrimental to the interests of those applicants who have good grounds for requesting recognition as refugees;

(f) Emphasizes in that context the importance of quick and effective status determination procedures in accordance with internationally accepted criteria and appropriate legal guarantees;

(g) Notes with deep concern that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation, and reiterates its conclusion No. 44 (XXXVII), which circumscribes the grounds for detention of such persons;

(h) Expresses strong concern about serious violations of the rights and security of refugees and asylum-seekers in different parts of the world, including through forced recruitment of refugees into armed forces;

(i) Reiterates its conclusion No. 48 (XXXVIII) concerning military or armed attacks on refugee camps and settlements and urges all parties concerned to respect the guidelines, including those on UNHCR access, contained therein;

(j) Expresses concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hopes that efforts will continue within the United Nations system to address their protection needs;

(k) Expresses the strong hope that, consistent with international practice, States will ensure that their extradition legislation or arrangements maintain the protections or exemptions necessary to safeguard the basic rights of refugees;

(l) Notes with satisfaction that large numbers of refugees have found a durable solution to their problem by availing themselves of voluntary repatriation and recalls in that context the relevance of conclusion No. 40 (XXXVI) on voluntary repatriation;

(m) Underlines that resettlement is not only a possible solution for some refugees, but is also an urgent protection measure in the individual case, welcomes the fact that several African States provide such resettlement opportunities, and invites all States to make places speedily available to respond to urgent or emergency protection situations facing individual refugees;

(n) Notes the accomplishments of the Office in the promotion and dissemination of refugee law, including particularly the organization of protection training courses for government and other concerned officials, and urges the High Commissioner to pursue his activities in that regard, making every effort to ensure that such protection training courses continue on a significant scale;

(o) Welcomes the recent accession of Hungary to the 1951 Convention relating to the Status of Refugees 1/ and the 1967 Protocol thereto, 2/ and encourages the High Commissioner actively to promote further the universal applicability of those instruments;

(p) Reaffirms the crucial role played since its inception by the Sub-Committee of the Whole on International Protection in identifying existing shortcomings and problems in the field of refugee protection and by formulating conclusions that serve as international guidelines to be drawn upon by States, UNHCR and others when developing or orienting their policies on refugee issues;

(q) Decides that, in view of the importance of this task and in order to allow the Sub-Committee to consider all aspects of any issue in depth, the agenda for the Sub-Committee should preferably be limited to one or two subjects of practical benefit to refugees, that greater use could be made of informal working groups between annual meetings and that, whenever required, a particular issue should be considered at consecutive sessions of the Sub-Committee.

B. Conclusions on durable solutions and refugee protection

23. The Executive Committee,

Recalling that the protection of refugees and seeking solutions to refugee problems are mandatory functions of the United Nations High Commissioner for Refugees,

Reaffirming that the process of achieving solutions must respect the fundamental protection principles and concerns,

Convinced that the contemporary problem of refugees and asylum-seekers, because of its dimensions and complexity, requires coherent and comprehensive approaches to meet the current reality,

(a) Takes note with appreciation of the background study for and the subsequent report of a group of experts on the informal Round Table on Solutions to the Problem of Refugees and the Protection of Refugees (EC/SCP/55), which was held at San Remo, Italy, from 12 to 14 July 1989;

(b) Welcomes the importance given in the report, in particular, to:

(i) The interrelationship between protection and solutions, as well as the desirability of prevention, including through the observance of human rights, as the best solution;

(ii) The strengthening of joint international efforts to deal with causes of flows of asylum-seekers and refugees in order to avert new flows and to facilitate the voluntary repatriation of refugees where that is the most appropriate solution to their problem;

(iii) The active promotion of solutions by countries of origin, asylum and resettlement, as well as by the international community at large, in accordance with their respective obligations and responsibilities;

(iv) The promotion of solutions by international initiatives aimed at encouraging and facilitating, directly or through intermediaries, contacts between the parties concerned;

(v) Development co-operation in both its curative and preventative aspects;

(vi) The examination, where required, of existing law and doctrine in the light of the real situations being faced by refugees, taking into account the relevance of human rights principles in this context;

(vii) The promotion and strengthening of the traditional principles and safeguards, which remain fundamental to the protection of refugees in countries of asylum or refuge, as well as, on return, in countries of origin;

(c) Decides, given the importance, scope and complexity of the issues involved and the need for their further in-depth study, as a first step, to call upon the High Commissioner, in consultation with the Chairman of the Executive Committee, to convene an open-ended working group of members of the Executive Committee to examine protection and solutions in a coherent and comprehensive manner, bearing in mind the mandate of the High Commissioner, with a view to reporting to the Executive Committee at its forty-first session.

C. Conclusions on the implementation of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol

24. The Executive Committee,

Bearing in mind that the fortieth anniversary of the 1951 Convention relating to the Status of Refugees 1/ will be celebrated in 1991,

Reiterating the fundamental importance of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto for the protection of refugees and the enhancement of their status in countries of asylum,

Taking into account conclusions Nos. 42 (XXXVII) and 43 (XXXVII), adopted by the Executive Committee at its thirty-seventh session, which, inter alia, stressed the utmost importance of effective application of the Convention and Protocol,

Underlining again the need for the full and effective implementation of those instruments by Contracting States,

Bearing in mind that, pursuant to article 35 of the 1951 Convention, States Parties are required to facilitate the supervisory duty of UNHCR in relation to the Convention, including through the provision of information and statistical data concerning implementation,

(a) Stresses the need for States to continue to take a positive and humanitarian approach to the implementation of the provisions of the Convention and Protocol in a manner fully compatible with the objective and purposes of those instruments;

(b) Reiterates its request to States to consider adopting appropriate legislative and/or administrative measures for the effective implementation of those international refugee instruments;

(c) Invites States also to consider taking whatever steps are necessary to identify and remove possible legal or administrative obstacles to full implementation;

(d) Requests the High Commissioner to prepare a more detailed report on implementation of the 1951 Convention and the 1967 Protocol for consideration by this Sub-Committee in connection with activities for the celebration of the fortieth anniversary of the Convention, and calls upon States Parties to facilitate that task, including through the timely provision to the High Commissioner, when requested, of detailed information on implementation of the Convention and/or Protocol in their respective countries.

D. Conclusions on the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection 3/

25. The Executive Committee concluded that:

(a) The phenomenon of refugees, whether they have been formally identified as such or not (asylum-seekers), who move in an irregular manner from countries in which they have already found protection, in order to seek asylum or permanent resettlement elsewhere, is a matter of growing concern. This concern results from the destabilizing effect which irregular movements of that kind have on structured international efforts to provide appropriate solutions for refugees. Such irregular movements involve entry into the territory of another country, without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes, or with false or fraudulent documentation. Of similar concern is the growing phenomenon of

refugees and asylum-seekers who wilfully destroy or dispose of their documentation in order to mislead the authorities of the country of arrival;

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, owing to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

(c) The phenomenon of such irregular movements can only be effectively met through concerted action by Governments, in consultation with UNHCR, aimed at (i) identifying the causes and scope of irregular movements in any given refugee situation; (ii) removing or mitigating the causes of such irregular movements through the granting and maintenance of asylum and the provision of necessary durable solutions or other appropriate assistance measures; (iii) encouraging the establishment of appropriate arrangements for the identification of refugees in the countries concerned; and (iv) ensuring humane treatment for refugees and asylum-seekers who, because of the uncertain situation in which they find themselves, feel impelled to move from one country to another in an irregular manner;

(d) Within that framework, Governments, in close co-operation with UNHCR, should (i) seek to promote the establishment of appropriate measures for the care and support of refugees and asylum-seekers in countries where they have found protection pending the identification of a durable solution, and (ii) promote appropriate durable solutions with particular emphasis on voluntary repatriation and, when that is not possible, local integration and the provision of adequate resettlement opportunities;

(e) Refugees and asylum-seekers, who have found protection in a particular country, should normally not move from that country in an irregular manner in order to find durable solutions elsewhere, but should take advantage of durable solutions available in that country through action taken by Governments and UNHCR, as recommended in subparagraphs (c) and (d) above;

(f) Where refugees and asylum-seekers nevertheless move in an irregular manner from a country where they have already found protection, they may be returned to that country if (i) they are protected there against <u>refoulement</u> and (ii) they are permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them. Where such return is envisaged, UNHCR may be requested to assist in arrangements for the readmission and reception of the persons concerned;

(g) It is recognized that there may be exceptional cases in which a refugee or asylum-seeker may justifiably claim that he has reason to fear persecution or that his physical safety or freedom are endangered in a country where he previously had found protection. Such cases should be given favourable consideration by the authorities of the State in which he requests asylum;

(h) The problem of irregular movements is compounded by the use, by a growing number of refugees and asylum-seekers, of fraudulent documentation and their practice of wilfully destroying or disposing of travel and/or other documents in order to mislead the authorities of their country of arrival. Those practices complicate the identification of the person concerned and the determination of the

country in which he stayed prior to arrival, and the nature and duration of his stay in such a country. Practices of that kind are fraudulent and may weaken the case of the person concerned;

(i) It is recognized that circumstances may compel a refugee or asylum-seeker to have recourse to fraudulent documentation when leaving a country in which his physical safety or freedom are endangered. Where no such compelling circumstances exist, the use of fraudulent documentation is unjustified;

(j) The wilful destruction or disposal of travel or other documents by refugees and asylum-seekers upon arrival in their country of destination, in order to mislead the national authorities as to their previous stay in another country where they have protection, is unacceptable. Appropriate arrangements should be made by States, either individually or in co-operation with other States, to deal with this growing phenomenon.

E. Conclusions on refugee children

26. The Executive Committee

(a) Expresses appreciation for the report on refugee children (A/AC.96/731), notes with concern the serious risks to their safety, immediate welfare and future development faced by many refugee children, and recognizes the efforts made by the Office of the High Commissioner for Refugees to improve its effectiveness in responding to their special needs;

(b) Reaffirms its conclusion No. 47 (XXXVIII) concerning refugee children and stresses the continuing nature of the guidance provided;

(c) Commends the High Commissioner and his Working Group on Refugee Children for the development and dissemination of the "Guidelines on refugee children" and for the implementation of a work plan concerning refugee children, and calls upon UNHCR to seek the active co-operation and collaboration of Governments, other United Nations bodies, among them the United Nations Children's Fund (UNICEF), non-governmental organizations and refugees themselves, in the implementation of the guidelines;

(d) Requests the High Commissioner to ensure that the needs of refugee children are given particular attention through regularly assessing resources and requirements in each refugee situation; collecting and using in programme planning relevant demographic, socio-economic and cultural information; and monitoring and evaluating the impact of his programmes on refugee children;

(e) Notes with serious concern the increasing incidence of nutritional deficiency diseases and malnutrition among refugee children dependent upon food aid, and calls upon UNHCR to initiate, as a matter of urgency, formal discussions with relevant United Nations bodies, donors and other humanitarian organizations to develop collaborative strategies for alleviating the nutritional problems of refugee children and to seek the incorporation into their programmes of appropriate provisions for such needs;

(f) Recognizes the link between education and durable solutions and encourages UNHCR to strengthen its efforts in assisting Governments of host

countries to ensure the access of refugee children to education, inter alia, through the involvement of new organizations and governmental and non-governmental donors and, where necessary, through the incorporation of appropriate arrangements in its programmes of assistance;

(g) Requests the High Commissioner to continue to give special attention to the needs of unaccompanied minors and to inform the Executive Committee at its next session of the details of existing programmes and any difficulties encountered in their implementation;

(h) Calls upon UNHCR to promote the best possible legal protection of unaccompanied minors, particularly with regard to forced recruitment into armed forces and to the risks associated with irregular adoption;

(i) Urges UNHCR to intensify efforts to increase public awareness of the situation and needs of refugee children and of the impact of armed conflict and persecution on them;

(j) Encourages UNHCR to develop training materials to improve the capacity and effectiveness of field personnel in identifying and addressing the protection and assistance needs of refugee children;

(k) Recalls its request at its thirty-seventh session in 1986, conclusion No. 41 (XXXVII), that the High Commissioner report regularly to the Executive Committee on the needs of refugee children and on existing and proposed programmes for their benefit.

F. Conclusions on refugee women

27. The Executive Committee:

(a) Expresses appreciation for the report on refugee women (A/AC.96/727 and Corr.1) and commends the Office of the High Commissioner on progress made towards promoting the participation of refugee women as agents, as well as beneficiaries, in the planning and implementation of protection and assistance programmes;

(b) Notes with serious concern that the basic rights of refugee women continue to be violated in a number of situations, including through threats to their physical safety and sexual exploitation;

(c) Calls for the reinforcement of preventive measures and for States and concerned agencies to strengthen their support of the protection activities of UNHCR relating to refugee women, inter alia, by providing resettlement places for women at risk;

(d) Notes the intention of UNHCR to include the subject of refugee women in the agenda of the Sub-Committee of the Whole on International Protection of the forty-first session of the Executive Committee, and of the Sub-Committee on Administrative and Financial Matters, under the item entitled "Major trends";

(e) Requests the High Commissioner to provide the Executive Committee at its forty-first session, a policy framework and organizational work plan for the next stages of bringing refugee women's issues into the mainstream within the

organization, with particular attention to the need for female field workers to facilitate the participation of refugee women. In addition, requests the High Commissioner to provide a detailed progress report on the implementation of his Office's policies and programmes for refugee women, on both protection and assistance activities. Requests particularly that the High Commissioner prepare a revised and expanded version of the internal guidelines relating to the international protection of refugee women;

(f) Reaffirms the conclusions of the Executive Committee, at its thirty-ninth session, regarding refugee women and stresses the ongoing need for active senior management support to co-ordinate, integrate and oversee the implementation of those conclusions, and in that regard, fully encourages the participation of senior managers in the forthcoming gender impact and analysis orientation seminar;

(g) Notes with satisfaction the recruitment of a Senior Co-ordinator for Refugee Women, the production of guidelines for field offices to identify the special needs and to encourage participation of refugee women, and the publication of the revised bibliography on refugee women;

(h) Urges the High Commissioner to develop a methodology for systematically addressing gender issues in refugee programmes and, as a basis for this, requests the High Commissioner to collect and analyse demographic, anthropological and socio-economic information on refugee populations, in particular, data on gender roles and responsibilities, and to ensure that such information is used in planning UNHCR programmes;

(i) Encourages the High Commissioner, in his development of training materials and courses, to increase awareness of the specific needs and potential of refugee women and his initiative to involve non-governmental organizations in that training, and calls upon him to expand that area in the future with a view to improved programme and project planning and in particular, to develop further components to address the special protection concerns of refugee women;

(j) Encourages the High Commissioner to make additional efforts to raise public awareness of the specific situation of refugee women and recommends the fortieth anniversary as an opportunity to emphasize refugee women as active participants in programmes of UNHCR;

(k) Encourages the High Commissioner to share his experience in this sector with other United Nations agencies and strongly supports him in taking a lead role in presenting the situation of refugee women to the Commission on the Status of Women at its thirty-fourth session in 1990;

(l) Stresses the need for ongoing attention to the systematic collection and dissemination of documentation with regard to refugee women, both within UNHCR and in co-operation with other organizations;

(m) Calls upon operational partners to support the High Commissioner by expanding their own activities in gender-impact training, including provision for an assessment of impact on refugee women in their project agreements and self-evaluation reports, and exchanging information with other organizations having experience in women's issues.

G. The Guatemala Declaration and the Concerted Plan of Action in Favour of Refugees, Repatriates and Displaced Central Americans

28. The Executive Committee,

Recalling the decision of the Executive Committee of the High Commissioner's Programme adopted at its thirty-ninth session, entitled "International Conference on Central American Refugees", 4/ in which the decision of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua to convene an international conference on Central American refugees was favourably accepted and in which the High Commissioner was invited to give all necessary assistance, in collaboration with the United Nations system, for the organization and carrying out of the Conference,

Taking into consideration the support granted by the General Assembly for the convening of an international conference on Central American refugees in its resolution 43/118 of 8 December 1988, entitled "International Conference on Central American Refugees",

Stressing the request of the General Assembly made in the above-mentioned resolution to Member States, United Nations bodies and specialized agencies, as well as regional and subregional organs and non-governmental organizations, to give all their support for the preparation, holding of and follow-up of the Conference,

(a) Expresses its deep satisfaction for the successful accomplishment of the International Conference on Central American Refugees, which took place in Guatemala City from 29 to 31 May 1989, as well as the adoption by acclamation of the Declaration and the approval of the guidelines of the Concerted Plan of Action in Favour of Refugees, Repatriates and Displaced Central Americans; 5/

(b) Outlines the importance of the Concerted Plan of Action in favour of Refugees, Repatriates and Displaced Central Americans as a contribution to achieving a firm and lasting peace in Central America;

(c) Thanks UNHCR for its substantial contribution to the preparation, carrying out and follow-up of the Conference, as well as the agencies of the United Nations system, in particular UNDP, for the support given;

(d) Welcomes the commitments given by the affected countries in the Plan of Action on the international protection of the refugee and fundamental rights of the human being;

(e) Expresses its gratitude to all the countries, organizations and organs of the United Nations, as well as regional, intergovernmental and non-governmental organizations, for their support and for the interest shown in the programmes and projects for refugees, repatriates and displaced persons mentioned in the Plan of Action;

(f) Applauds the establishment of the follow-up mechanisms and promotion at the national level of the Plan of Action, and the preparations for the first meeting of the International Follow-up Committee of the Plan of Action;

(g) Notes as an auspicious fact the implementation of the Regional Development Project, PRODERE (Programa en favor de la población desplazada,

refugiada y repatriada), and others, which could also benefit refugee populations in the region;

(h) Urges the international community to ensure that the expressions of support during the Conference become concrete commitments of collaboration with the affected countries for the implementation of the Plan of Action.

H. International Conference on Indo-Chinese Refugees

29. The Executive Committee,

Recalling the decision of the Executive Committee of the High Commissioner's Programme adopted at its thirty-ninth session, entitled "International Conference on Indo-Chinese Refugees", 6/ in which it welcomed the proposal for the convening of an international conference on Indo-Chinese refugees and called upon the international community and the United Nations, intergovernmental and non-governmental organizations to give full support to the preparations for the organization of that Conference,

Further recalling General Assembly resolution 43/119 of 8 December 1988, in which the Assembly welcomed the call by the Association of South-East Asian Nations for the convening of an International Conference on Indo-Chinese Refugees at the ministerial level and appealed to all States, specialized agencies and regional, intergovernmental and non-governmental organizations to provide all the necessary support and resources needed by the High Commissioner for the preparation and the holding of the Conference,

(a) Expresses its deep satisfaction with the successful preparation for, organization and holding of the International Conference on Indo-Chinese Refugees at Geneva on 13 and 14 June 1989;

(b) Welcomes the adoption of the Declaration and Comprehensive Plan of Action on Indo-Chinese Refugees, 7/ and reaffirms its belief that the Comprehensive Plan of Action is an important and sound basis for a balanced, humanitarian and durable solution to the problems addressed by the International Conference on Indo-Chinese Refugees;

(c) Takes note of the progress achieved since the holding of the International Conference under the follow-up mechanism established in the form of a Steering Committee, and requests the latter to continue its multilateral co-ordinating and assessment role and, in that respect, underlines the need for the balanced implementation of all the mutually reinforcing elements of the Comprehensive Plan of Action;

(d) Expresses appreciation to all Governments, intergovernmental and non-governmental organizations for their commitment and support for the Comprehensive Plan of Action and calls upon them to continue their efforts to that end;

(e) Thanks UNHCR for the lead role it has assumed in promoting the adoption and implementation of the Comprehensive Plan of Action.

I. Conclusions and decisions on assistance activities

A

30. The Executive Committee, having reviewed section III of document A/AC.96/729 and Corr.1 and its addendum I (paras. 118 to 130 and 1 to 7, respectively),

(a) Approves the "new and revised" allocations under the 1989 General Programmes, for both operations and programme support and administration, as contained in the country and area chapters of document A/AC.96/724, parts I to V, and amended by document A/AC.96/729/Add.1, as summarized in table II, column 7, amounting to a revised financial target of $389.4 million (including the $10 million Emergency Fund) for 1989;

(b) Subject to the provisions of subparagraphs (c) to (l) below, notes the country and area programmes and the overall allocations for 1990 General Programmes, as summarized in column 10 of table II (totalling $414,357,000);

(c) Authorizes the High Commissioner to effect such adjustments in projects, country or area programmes and overall allocations as may be required by changes affecting the refugee programmes for which they were planned, using the reserve, where necessary, within the authorized level of obligations, and to report such adjustments to the Executive Committee at its next session;

(d) Notes with concern that, given the current level of income, a severe shortfall in the funding of the 1989 programme requirements is likely to occur;

(e) Stresses that any carry-over of current year's obligations into the future financial period is, in principle, inconsistent with the spirit of the financial rules of UNHCR;

(f) Authorizes the High Commissioner exceptionally, and in recognition of the responsibilities of both asylum and donor countries, to carry-over a maximum of $40.0 million in unliquidated obligations from 1989 to 1990 on the understanding that, if no new funds are forthcoming, the carry-over will be fully absorbed during 1990 so that total expenditure under General Programmes by 31 December 1990 will not be in excess of usable income;

(g) Further requests the High Commissioner, emphasizing the basic provision of the financial rules of UNHCR that at no time shall obligation exceed usable income, to ensure that obligations entered into by UNHCR within the framework of the 1990 General Programmes budgets during the first six months of 1990, including 50 per cent of the unliquidated obligations carried over from 1989, shall not exceed a total of $190 million;

(h) Decides to hold an extraordinary session of the Executive Committee in late May/early June 1990;

(i) Decides to establish immediately a temporary Working Group composed of representatives of member States of the Executive Committee and UNHCR to review thoroughly the content of the General Programmes and other assistance activities of UNHCR with a view to examining the issues relevant to the effective use of funds and administration of programmes and projects. In that connection, particular attention will be given by the Working Group to administrative and budgetary

reforms and the division of responsibilities between UNHCR and other institutions and agencies. The Working Group will report to informal meetings of the Executive Committee in January and April, and again to the extraordinary session of the Executive Committee;

(j) Decides that the extraordinary meeting of the Executive Committee shall address the issues considered by the Working Group, including appropriate measures in the field of programme design and administration. It will authorize the level of UNHCR obligations for the second half of 1990, so as not to exceed the realistic level of contributions likely to become available that year;

(k) Requests the member States of the Executive Committee to assist UNHCR in securing additional income from traditional governmental sources, other Governments and the private sector. Unless specified by the donor, contributions received from new sources will be applied to the General Programmes. UNHCR will continue to keep the Executive Committee informed on the financial situation through periodic reports;

(l) Requests the High Commissioner to maintain and reinforce his efforts to contain budgetary requirements in the light of the existing severe financial constraints; to continue ongoing programme reviews and apply strict economies to staffing levels, programme support and administrative expenses, especially with regard to travel, communication costs, consultancies and seminars.

B

31. The Executive Committee,

(a) Takes note of the progress achieved by the High Commissioner in the implementation of his General and Special Programmes in 1988 and the first five months of 1989 as reported in documents A/AC.96/724 (Part I and Corr.1 and Add.1, Parts II, III and Corr.1 and Add.1, IV and V and Add.1) and A/AC.96/729 and Corr.1 and Add.1;

(b) Takes note also of the allocations made by the High Commissioner from his Emergency Fund during the period 1 June 1988 to 31 May 1989;

(c) Takes note with appreciation of the observations made by the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/732);

(d) Takes note of the sections of documents A/AC.96/729 and Corr.1 and Add.1, A/AC.96/724 (Parts I to V and relevant addenda and corrigenda) concerning the search for durable solutions; commends the High Commissioner's initiatives in that area and reaffirms its strong support for the measures undertaken to give renewed impetus and coherence to the promotion of durable solutions, in particular voluntary repatriation and, where that solution is not viable, through local integration and resettlement;

(e) Takes note of the concerns expressed by least developed countries of asylum about the serious negative effects on refugees that might result from the envisaged budget reductions, and is of the view that those countries should not bear additional refugee burdens resulting from such reductions;

(f) Calls upon the High Commissioner, in accordance with the relevant resolutions of the General Assembly and in conformity with the usual practice of the High Commissioner, to continue assistance to refugees under the care of national liberation movements recognized by the Organization of African Unity and the United Nations.

J. Conclusions and decisions on refugee aid and development

32. The Executive Committee,

Having considered the report of the Sub-Committee on Administrative and Financial Matters on Refugee Aid and Development,

Welcoming the report by UNHCR on refugee aid and development (A/AC.96/736) as a comprehensive study of the evolution of thinking and decisions in various forums, including within the Executive Committee itself, on this subject,

Emphasizing the urgent need to persevere in the search, under the auspices of UNHCR, for durable solutions to refugee problems, and the role that development assistance might play in assuring the effectiveness of solutions such as voluntary repatriation and local integration,

(a) Requests the High Commissioner to continue his catalytic role in the area of refugee aid and development, especially by reinforcing his efforts in advocating with Governments of host countries, the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the World Bank and regional development banks, and multilateral and bilateral development agencies, that they adopt policies and concrete measures that take into account, where appropriate, a refugee/returnee presence, when the development programmes of the affected countries are being considered;

(b) Urges the member States of the Executive Committee to ensure that their delegates to such bodies as the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the World Bank and regional development banks, and multilateral agencies, such as the United Nations Development Programme (UNDP) and the International Fund for Agricultural Development (IFAD), are made aware of the refugee-related conclusions of the Executive Committee at its fortieth session and that they use their good offices to ensure the adoption of policies and the establishment of mechanisms, both institutional and financial, that will provide for a co-ordinated and expeditious implementation of refugee/returnee-related development initiatives;

(c) Urges UNHCR to give priority to and identify with development agencies and Governments of host countries appropriate projects and initiatives that might be presented to development agencies for implementation and funding in refugee/returnee areas of developing countries;

(d) Renews its authorization for the High Commissioner to seek special contributions which would enable the timely funding of identification, preparation and formulation of possible refugee-related development projects by Governments of host countries and development agencies and non-governmental organizations, with appropriate UNHCR involvement, and which would be subsequently implemented with funds administered by development agencies in refugee/returnee areas of developing

countries; and noted the mechanisms and criteria proposed in the conference room paper on refugee aid and development for the receipt and use of those contributions;

(e) Appeals to member States to respond favourably to the Refugee Aid and Development Appeals recently launched for projects to be undertaken by UNHCR in partnership with refugee-hosting Governments and development agencies, by channelling contributions either through UNHCR, the development agency concerned, or directly to the recipient Government;

(f) Requests that the temporary Working Group, which is to be established in accordance with the conclusions and decisions on assistance activities and composed of representatives of the member States of the Executive Committee and UNHCR, review the conditions and modalities under which future refugee aid and development project appeals will be made.

K. Sharing of responsibilities for operational activities relating to refugees

33. The Executive Committee,

Deeply concerned at the continued increase in the number of refugees who are the concern of the Office of the High Commissioner in all regions of the world,

Emphasizing the essential character of the UNHCR mandate to search for durable solutions to refugee problems, principally by means of voluntary repatriation, and, if necessary, by means of integration in the countries of asylum or resettlement in a third country,

Recalling the fundamental importance of the Office's task of protection and of the link that exists between assistance and protection,

Aware of the economic and social burden imposed on the countries of first asylum, which, despite their economic situation and development problems, continue to receive a large number of refugees,

Aware also of the initial financial costs of any durable solution, and particularly solutions that are the result of the implementation of peace settlements,

Greatly concerned at the financial problems facing UNHCR mainly because of its limited resources, the increase in the number of refugees and the costs of assistance and of durable solutions,

Recalling the particular responsibilities assigned by the United Nations General Assembly to UNDP in matters pertaining to development and to country co-ordinators of United Nations operational activities,

Emphasizing the need for close co-operation between UNHCR and relevant agencies of the United Nations system and other international organizations, both intergovernmental and non-governmental, in devising and implementing specific elements of development assistance for the solution to problems of refugees, returnees and areas hosting them,

(a) Calls on the High Commissioner to establish in his operational programmes, a distinction, on the one hand, between tasks that relate directly and essentially to his mandate, namely, international protection, assistance and the search for durable solutions, and, on the other hand, the tasks that could be undertaken in whole or in part by other agencies of the United Nations system and other international organizations, in particular development initiatives;

(b) Calls upon the High Commissioner to take all the necessary steps to establish, in relation to activities that do not derive directly from his mandate, especially those dealing with development, a close working relationship between UNHCR and the relevant agencies of the United Nations system and other international organizations, both intergovernmental and non-governmental, that will assure an agreed division of responsibilities and arrangements for the financing of those activities, and which at the same time would safeguard the ability of the High Commissioner to exercise fully his mission of protection;

(c) Requests, in that regard, the High Commissioner to enter into consultations as soon as possible with UNDP and other relevant agencies of the United Nations system and other international organizations, both intergovernmental and non-governmental, so as to examine the conditions and modalities of an appropriate implementing mechanism, for development projects relating to refugees, returnees and the areas that receive them, and to make a report of the results of his endeavours at all 1990 sessions of the Executive Committee;

(d) Reaffirms, in connection with the financing of development projects, the concept of additionality of funds for refugees, which was confirmed by General Assembly resolution 42/107 of 7 December 1987 and resolutions adopted by the Second International Conference on Assistance to Refugees in Africa, held at Geneva from 9 to 11 July 1984;

(e) Requests member States and relevant United Nations agencies as well as other international organizations, both intergovernmental and non-governmental, to take into consideration the situation of the countries that have for many years received a large number of refugees and, in particular, to study the possibility of using that factor as a criterion for additional funding;

(f) Requests the United Nations Secretary-General to assist in the implementation of the present decision, by means of a timely and appropriate initiative;

(g) Recommends to the United Nations General Assembly the approval of the present decision, and calls upon the governing bodies of relevant United Nations organs, as well as other international organizations, to take necessary actions to see to its implementation.

L. Decisions on administrative and financial matters

1. General

34. The Executive Committee

(a) Takes note with appreciation of the report of the Sub-Committee on Administrative and Financial Matters (A/AC.96/735);

(b) Takes note of the administrative and programme support sections of the overview report of the activities of UNHCR (A/AC.96/729 and Add.1 and Corr.1), the report on UNHCR activities financed by voluntary funds, and the report of 1988-1989, and proposed programmes and budget for 1990 (A/AC.96/724, Part I and Corr.1 and Add.1, Parts II, III and Corr.1 and Add.1, IV and V and Add.1;

(c) Takes note also of the report of the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/732) and commends UNHCR for having streamlined the overview report, as the Advisory Committee suggested in 1988.

2. Job classification

35. The Executive Committee,

Having considered the note on professional job classification (EC/SC.2/41) and the comments thereon contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/AC.96/732),

(a) Notes that, in the follow-up to the 1988 review, while the average grade level in the field has been raised, the average grade level at headquarters has also been raised, although at a slower rate;

(b) Strongly urges the High Commissioner to reduce in 1990 the average grade level at headquarters and to raise the average grade level in the field, inter alia, through the reallocation of senior management posts from headquarters to the field, especially where major programmes are executed, and calls for progress reports at all Executive Committee sessions in 1990;

(c) Supports the findings of the Advisory Committee on Administrative and Budgetary Questions related to the reclassification proposals and implementation dates (EC/SC.2/41);

(d) Decides that the costs of the reclassifications should be absorbed within existing support-cost limits approved for 1989 and, in 1990, they shall be offset by an equivalent reduction in support costs;

(e) Approves, on the basis of the above, for retroactive implementation on 1 January 1989, the reclassifications arising from recourses from the 1988 classification review, and approves for implementation on 1 January 1990 all other reclassification proposals set forth in document EC/SC.2/41.

3. Structure of the organization at headquarters

36. The Executive Committee,

Noting the High Commissioner's restructuring of UNHCR headquarters, praising some aspects and raising concern about others,

Recalling the decision of the Executive Committee at its thirty-ninth session (A/AC.96/721, para. 33 C (f)) to call upon UNHCR to achieve a reduction in the average grade level at headquarters and an increase in the average grade level in the field, inter alia, through the reallocation of senior management posts from headquarters to the field,

Requests the High Commissioner to ensure that the restructuring would not imply staff increases and that consequential changes of responsibilities would not result in an increase in the number of D-2 or higher posts at headquarters, nor impede efforts to decrease the average grade level at headquarters through reallocation of senior management posts from headquarters to the field.

4. Staffing level

37. The Executive Committee

(a) Notes with regret that in spite of the assurances given by the High Commissioner during its thirty-eighth session, the overall staffing level, exclusive of 293 posts that the Executive Committee authorized for guards and cleaners as of J nuary 1988, would not return to that of 1 January 1986 by the first quarter of 1990, and therefore urges UNHCR to return to that level by 1 January 1991 at the latest, while retaining the flexibility of the Office to respond to unanticipated refugee and returnee situations;

(b) Approves the creation of 29 non-contingency posts, as listed in the "Update on staffing";

(c) Notes that the Advisory Committee on Administrative and Budgetary Questions recommended the resubmission of the proposal on the core/temporary matrix, and requests the High Commissioner to extend the exercise to General Service staff, and to present a complete proposal at the forty-first session.

5. Fund for Staff Housing and Basic Amenities

38. The Executive Committee

Approves the transfer in 1990 of up to $800,000 from the General Programme Reserve to the Fund for Staff Housing and Basic Amenities, as and when needed, thus bringing the ceiling of the Fund from $5,100,000 to $5,900,000.

6. Support costs

39. The Executive Committee

(a) Expresses concern over the projected increase in support costs for 1990 and welcomes assurances that austerity measures taken in 1989 will be continued and intensified in 1990;

(b) Requests the inclusion in next year's overview report of a paragraph showing changes in overall support costs including project personnel expenditure;

(c) Takes note of the report entitled "Costs and benefits of using computer-based systems in UNHCR", and welcomes the benefits reported therein;

(d) Requests that further information be provided at its forty-first session on how the implementation on the Financial Management Information System is improving productivity;

(e) Requests the High Commissioner to reopen negotiations with the Secretary-General on an increase in the participation of the regular budget in the administrative costs of UNHCR in the preparation of the programme budget for the biennium 1992-1993, and invites members and observers of the Executive Committee to support those efforts appropriately.

7. UNHCR financial rules

40. The Executive Committee

Notes the revision to the financial rules of UNHCR, as referred to in the report of the Sub-Committee on Administrative and Financial Matters (A/AC.96/735).

8. Audit

41. The Executive Committee

(a) Expresses its appreciation for the report of the Board of Auditors and notes the positive remarks made on the efforts of UNHCR to improve operational and financial management controls and systems;

(b) Expresses concern that certain shortcomings identified in the 1988 Board of Auditors' report have recurred and calls for corrective action to be taken to prevent their further repetition;

(c) Stresses that implementing partners, be they governmental or non-governmental, should share with UNHCR the responsibility of ensuring efficient and cost-effective utilization of resources put at their disposal for the benefit of refugees and should give particular attention to timely reporting.

9. Fund raising

42. The Executive Committee

(a) Commends the generosity of donors who strongly continued to support the General and Special Programmes with financial contributions during the first nine months of 1989;

(b) Notes the shortfall in funds in relation to requirements, appeals to Governments that have already contributed to consider making additional contributions, further urges a better burden-sharing among donors, and requests those Governments that have not previously contributed to UNHCR to provide financial support;

(c) Endorses the recommendation of the Board of Auditors that UNHCR should intensify its efforts to extend fund-raising activities to non-traditional sources, including the private sector, in order to broaden its income base, endorses the proposed approach of UNHCR of using professional agencies to that effect, and requests Governments to make contributions, on the basis of a plan of action devised by UNHCR, to lay the foundation for the initial investment required to generate funds from the private sector.

10. Staff/management relations

43. The Executive Committee

(a) Notes that the High Commissioner and the Staff Council have discussed a broad range of topics and that there has been an atmosphere of constructive dialogue in recent agreements reached with the High Commissioner on topics of interest to all UNHCR staff;

(b) Underlines that staff morale is an important factor contributing to the operational efficiency of UNHCR and therefore expresses the hope that other staff concerns presently under discussion will result in further improvements in staff/management relations;

(c) Considers that further efforts need to be made to improve staff morale and, in that connection, regrets that the restructuring of UNHCR headquarters has not been the subject of previous staff/management consultations;

(d) Requests that the High Commissioner examine, in consultation with staff, the Staff Council's proposal for a Joint Advisory Committee;

(e) Requests the High Commissioner and the Chairman of the Staff Council to keep the Executive Committee informed at its next informal meeting of the progress made on the substantive topics of discussion.

M. Government observer participation in 1990

44. The Executive Committee considered and approved the applications by the following government observer delegations for participation in the Sub-Committees of the Whole on International Protection and on Administrative and Financial Matters, as well as in the informal sessions of the Executive Committee during 1990:

Angola, Bangladesh, Botswana, Burundi, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Djibouti, Egypt, Ethiopia, Ghana, Guatemala, Hungary, Indonesia, Ireland, Jordan, Liberia, Malawi, Mauritania, Mexico, Mozambique, New Zealand, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Swaziland, Union of Soviet Socialist Republics, Viet Nam, Yemen Arab Republic, Zimbabwe.

N. Interpretative declarations or reservations relating to the conclusions and decisions of the Committee 8/

1. Conclusions on the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection

45. The delegation of Australia wishes to point out that its endorsement of the draft conclusions is subject to it being clearly understood that refugees and asylum-seekers should not necessarily be afforded the same treatment.

46. The delegation of China is of the view that paragraph (b) of the draft conclusions is not exhaustive in its listing of the reasons why persons feel impelled to leave when they have already found protection.

47. The delegation of Turkey has requested that it be made clear that, in the light of the discussions and the wording of the draft conclusions, and as the then Director of Protection made clear in 1985, those conclusions do not apply to refugees and asylum-seekers who are merely in transit in another country. That interpretation is recorded in paragraph 68 of the report of the Sub-Committee of the Whole on International Protection on the work of its tenth session. 9/

48. The delegation of Italy wishes to record the following declaration:

> "Without prejudicing in any way the application, in the context of bilateral agreements or multilateral ones within the European Community, of criteria other than those put forth hereunder, the Italian authorities consider that the present conclusion is only applicable to refugees recognized as such according to the Geneva Convention relating to the Status of Refugees of 1951 and its 1967 Protocol and in the sphere of application of the Convention and Protocol, as well as to asylum-seekers who have already found protection in the first country of asylum on the basis of the principles of said Convention and Protocol."

49. The delegation of the United Republic of Tanzania stated the following:

> "Regarding the issue of irregular movements, Tanzania's responsibility to protect a refugee ceases the moment he voluntarily leaves Tanzania and Tanzania accepts no obligation to readmit such refugee either from his country of origin or from a third country."

50. Thailand wishes to place on record that, in its view, paragraph (d) cannot be understood as establishing any hierarchy among the durable solutions listed therein, in particular to give priority to local settlement before third-country resettlement. As a country of temporary asylum, Thailand, with areas of severe poverty, could not be expected to grant local settlement. Local integration may be allowed only where and when local situations permit, after other solutions have been exhausted.

51. The delegation of the Federal Republic of Germany wishes to make the following interpretative declaration:

> "The Federal Republic of Germany understands that the wording 'they are permitted to remain there' (see sect. (f)) does not prevent repatriation to the country of first asylum even if a formal residence permit is lacking. It interprets the term 'recognized basic human standards' (see sect. (f)) in such a way that this notion does not extend beyond the scope of Article 42 of the Geneva Convention relating to the Status of Refugees. Finally, it interprets the term 'physical safety' (see sect. (g)), in such a way that its scope does not extend beyond the definition of the term 'refugee' contained in article 1 A (2) of the Geneva Convention relating to the Status of Refugees."

52. The delegation of Austria has stated that it shares the interpretative statement made by the Federal Republic of Germany.

53. The delegation of Greece stated with respect to paragraph (b) that:

> "First asylum countries should bear the burden of refugees on an equitable basis, according to their economic or other potential."

With respect to paragraph (e), it stated that:

> "The will of a refugee to choose freely the country of his destination should not be overlooked, within the spirit of the Geneva Convention of 1951."

With respect to paragraph (f), it has stated that:

> "In all instances, sovereignty of the State and its rules and regulations under which entry is allowed cannot be ignored. Other considerations not to be overlooked are the status of the individual, whether he has applied for asylum or not, length of stay in a country when, having moved from the first asylum country etc."

2. General conclusions on international protection

54. The delegation of Israel objected to the inclusion of the words "including a large number of Palestinians" in paragraph (j).

Notes

1/ United Nations, Treaty Series, vol. 189, No. 2545, p. 137.

2/ Ibid., vol. 606, No. 8791, p. 267.

3/ See section N of the present report for interpretative declarations or reservations to these conclusions.

4/ See Official Records of the General Assembly, Forty-third Session, Supplement No. 12A (A/43/12/Add.1), sect. III G.

5/ A/44/527 and Corr.1 and 2, annex.

6/ See footnote 4, sect. III F.

7/ A/44/523, annex.

8/ The full account of the deliberations on this subject, including the statements by the Director of the Division of Refugee Law and Doctrine, as well as by the Chairman of the Executive Committee, is contained in the summary records (A/AC.96/SR.442-443).

9/ Official Records of the General Assembly, Fortieth Session, Supplement No. 12A (A/40/12/Add.1), annex II.

ANNEX

Opening statement made by the United Nations High Commissioner for Refugees to the Executive Committee of the High Commissioner's Programme at its fortieth session

1. A challenge confronts the Executive Committee at this fortieth session - an immediate and compelling challenge which is of direct concern to all of us. And, in the coming year, our response to that challenge will have far-reaching effects on refugees and asylum-seekers. It will determine whether they are able to harvest the fruits of the efforts that they themselves, the international community of asylum and donor countries, and we at the Office of the United Nations High Commissioner for Refugees (UNHCR) have so painstakingly made over the years in the promotion of durable solutions, or whether the foundations that we have laid together will be jeopardized and, perhaps, irrevocably undermined for want of the resources to consolidate them.

2. In recent years, the members of this Executive Committee have advised and accompanied my Office over much difficult and uncharted ground. Together we have sought an orientation for our humanitarian efforts that best addresses the fundamental needs of refugees and asylum-seekers. And, several years ago, we reached together the conclusion that the first-aid of emergency assistance, however essential it may be in sustaining life, is too meagre and too inconclusive a response to the fundamental problems that confront us. Nothing less than real, humane and durable solutions are enough. Only they are humanly worthy both of the refugees we are mandated to assist and of ourselves, the representatives and servants of the international community. It is through durable solutions and solution-oriented assistance alone that refugees can cease to be refugees and can assume their rightful place as members of the international community that we represent. It is through such assistance alone that we can acquit ourselves of our responsibilities towards them.

3. But, even if durable solutions are relatively easy to conceptualize, it has required several years of systematic effort and energetic action to ensure that UNHCR has a real institutional capacity, duly reflected at the levels of policy and implementation, to give a new, solution-oriented emphasis to the work it undertakes in collaboration with its governmental and non-governmental partners. We have gone through a period of apprenticeship and growth. And out of that apprenticeship have come innovations and proposals concerning not only policy, but also organizational responsibilities and divisions of labour. Those have been fully reflected in the decisions adopted by the Executive Committee in recent years and are further exemplified in the document on the important question of refugee aid and development which has been submitted at this present session.

4. The apprenticeship that we have undergone together in new conceptual approaches and operational modalities, and its subsequent translation into humanitarian action, have necessitated a parallel process of deep reflection in the area of international protection; a process encompassing the very causes of refugee exoduses, the risks - so often tragic - run in the course of flight, the conditions encountered upon arrival, and the range of problems linked to voluntary repatriation and reintegration. In each situation, UNHCR has attempted to identify, as systematically as possible, the factors which reinforce or, conversely, jeopardize the protection of refugees and asylum-seekers, with a view to defining appropriate

policies and actions that take full account of existing rules and principles and guide us and our partners at the level of concrete implementation.

5. Those efforts by my Office have not been, and are still not, without their problems and set-backs. The difficulties are compounded by the fact that the complex reasons which today compel people to leave their countries of origin and seek asylum elsewhere have triggered negative reflexes or outright rejection on the part of the public in many parts of the world, and those have, in turn, been reflected in official attitudes. But the complexity of the problem we face does not justify our resorting to perfunctory solutions. If we are to maintain the humanitarian standards that have been so hard won by the international community, it is essential that we ensure that Governments make every effort to identify, in any more widespread movement, those persons who are often desperately in need of protection, be it temporary or longer term, and to ensure that it is fully extended to them. In our justifiable emphasis on durable solutions, it is of vital importance to ensure that solutions are not implemented at the expense of long-established principles of refugee protection. In the case of voluntary repatriation, the durable solution of preference includes the verification of voluntariness, full access to all returnees and the removal of any reprisals or discrimination following return. Those principles are not always readily agreed to by the parties concerned, but they remain a fundamental prerequisite for involvement of the UNHCR in the repatriation process. Although the going is not easy and ground gained one day may sometimes be lost the next, it is only through the continuation of determined efforts by UNHCR and the international community that our approach to questions of international protection and its relationship to solutions can stay abreast of increasingly complex needs.

6. Substantial though the difficulties we face may be, the will that the international community continues to demonstrate in its efforts to find rapid and peaceful solutions to long-standing conflicts in numerous regions of the world is a continuing source of encouragement and hope. It is, indeed, in those efforts, which provide the larger context for much of our insistence on durable solutions, that lies our real hope of seeing refugee numbers decrease substantially in the coming years. Of course, important successes have already been recorded and the past 12 months have both yielded positive results and offered the promise of more. Most notable perhaps has been the repatriation of over 41,000 Namibian exiles who have at last been able to return home under the terms of Security Council resolution 435 (1978). In the short space of three months, the return process has been successfully completed and the returnees will be able to participate in the election of their Government and the birth of their independence. Also on the African continent, the difficult operation of repatriating some 320,000 Ugandan refugees from the Sudan was brought to a successful conclusion in March 1989, while, further south, all but 1,000 of the 55,000 Burundi refugees who fled their country in 1988 have now returned home. In Central America, Guatemalan, Nicaraguan and Salvadorian refugees continue to return to their countries of origin, while in South-East Asia the number of those returning home, while still limited, continues to grow. World wide, some 350,000 refugees have returned to their countries of origin over the last 12 months.

7. I would like to think that progress in the political arena will continue to lead to similar solutions elsewhere. In fact, progress towards solutions is already discernible in a number of ongoing refugee situations. Within the framework of the Tripartite Commission, which brings together the two concerned Governments and UNHCR, the prospects for durable solutions for Ethiopian refugees

in Somalia have, for example, improved significantly of late - irrespective of the recent events in Somalia. In other situations in the Horn of Africa or the troubled south of that continent, hundreds of thousands of persons could rapidly return home should the perceptible impetus towards dialogue and reconciliation be maintained, and its important, if still tentative, results be further consolidated.

8. The fruition of those and other prospects depends above all on the strength of the political will of the community of States. This is not a time for complacency in any form. Great determination is still required of both Governments and UNHCR if conditions fully conducive to the implementation of durable solutions, above all voluntary repatriation, are to be created and exploited to the full benefit of those concerned. Little can be achieved by my Office without the unreserved endorsement of the international community and its full political and financial support. Nor, where voluntary repatriation is concerned, can that support be confined to the simple mechanism of return. For, unless repatriating refugees and the communities they rejoin are able to survive economically, the root of the problem has not been solved. It is for this reason that in Africa, Central America and elsewhere, we have been seeking to co-operate with development agencies to ensure that assistance is given not just to the areas affected by the burden of refugees, but also to areas of return. The International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa and the International Conference on Central American Refugees have played a crucial role in developing that approach and in showing the path to be followed in years to come. By any objective standards of analysis, the investment involved in that approach is a sound and, indeed, essential one.

9. Of course, any approach to durable solutions can only acquire meaning in a context in which asylum is fully assured. And, as you know, we continue to have grave preoccupations in that regard. It is meaningless to speak of durable solutions if asylum-seekers are shunted from one country to the other without being accorded refuge. In that respect, countries of first asylum have a key responsibility and role which is fundamental and through which they can contribute not only to the immediate protection of those who seek asylum, but also by rendering possible an orderly approach to the implementation of solutions, to a progressive reduction of the burden on the international community.

10. But now allow me to look towards the future in more general terms. In moving ahead, the challenge faced by my Office will be to maintain and reinforce its traditional activities, while responding flexibly and creatively to the complex new needs that have emerged in recent years. First, we must, of course, maintain and strengthen our capacity to intervene promptly and expeditiously in favour of any individual or group that is threatened and is in need of our assistance and protection. Over the last 12 months, my Office has been called upon to provide emergency, life-sustaining assistance to some 700,000 new refugees in Ethiopia, Malawi, South-East Asia and other regions. And, in the last two years, no less than 1.5 million additional refugees have required urgent assistance. It is of the utmost importance that we maintain our capacity to react rapidly and effectively to crises so as to avert large-scale human tragedy through the timely provision of assistance and protection.

11. In addition, we must refine our capacity to manage the all too numerous, ongoing refugee situations where no immediate solutions are within reach. In so doing, we must take every precaution to ensure that the assistance given promotes to the fullest possible extent the ability of refugees to take charge of their own

lives, thus minimizing the growth of dependency on aid, which at one and the same time devalues human dignity and so greatly complicates the eventual implementation of durable solutions. We must also ensure that the needs of particular categories of refugees, especially refugee women and children, who are both the most numerous and the most vulnerable of refugee groups, are fully taken into account and enter the mainstream of our programme activities. In this respect, may I recall that UNHCR has already issued a number of guidelines, notably those on refugee children, and is taking further specific measures, including training and intensified inter-agency co-operation, to ensure that the issue of refugee women is systematically addressed as an integral part of all aspects of programme planning and execution.

12. But, beyond the needs of ongoing programmes of assistance, my Office must also tirelessly explore and promote durable solutions and ensure that it is in a position to implement them at the first possible opportunity. This will require that we not only maintain and increase our capacity to plan, deliver and co-ordinate assistance, but also enhance our capabilities in the field of protection. For it is only through a combination of protection and assistance measures, simultaneously applied, that true durable solutions are possible. Our efforts to identify solutions must go hand-in-hand with equally determined efforts to ensure the effective implementation of our protection mandate. The document submitted to the Executive Committee at this session on the concept and practice of protection in relation to the search for durable solutions, entitled "Solution to the refugee problem and the protection of refugees" (EC/SCP/55), leaves no doubt about all the ground we still have to cover on this crucial subject. I have noted with deep satisfaction the wish expressed by the Sub-Committee on International Protection that further study of that area be undertaken without delay in an effort to reach conclusions by next year.

13. If UNHCR is to measure up to the justifiably exacting expectations of the international community in the respects that I have outlined, it must be provided with the necessary support. Our capacity to promote and implement durable solutions is dependent on our being given the means to fulfil our mandate and to address the real needs of refugees in accordance with clearly defined goals and policies that have the full acceptance and support of the international community. We can work effectively on no other basis. Indeed, it is my profound conviction that an approach based on anything other than the properly assessed needs of refugees is illusory and even counterproductive; it leads only to a dead-end, away from durable solutions and away from the international community's own desire to see refugee problems resolved. In this respect, therefore, the requirements of my Office and the legitimate interests of Governments are in harmony. It is only by striving to create and maintain this coincidence between the humanitarian objectives that we pursue and the legitimate political interests of States that durable solutions can be attained.

14. Nevertheless, other compelling realities cannot be ignored. In the present climate of financial crisis, a concerted effort is required from concerned organizations and Governments to strike a tenable balance between identified needs and available resources, a balance that does as little violence as possible either to the present well-being and future prospects of refugees or to the capabilities of host and donor Governments. The necessity of making such an effort has been reflected in the deliberations of the Sub-Committee on Administrative and Financial Matters, the results of which are demonstrated in the comprehensive range of measures proposed to this plenary session.

15. Like all organizations that depend for their activities on voluntary contributions, UNHCR is fully aware that the establishment of the kind of essential balance to which I have referred depends, in large measure, on the efforts of the institution itself and on its capacity to demonstrate needs and to execute, monitor and evaluate programmes. To that end, my Office has, in recent years, made strenuous, well-documented and widely recognized efforts to increase its level of professionalism in both action and management. Noteworthy improvements have been instituted in areas such as financial and programme control and delivery. More specifically, these have concerned the assessment of needs, the quality of financial planning and budgeting and the rationalization of our personnel structure. Recent auditors' reports, as well as those of the Advisory Committee on Administrative and Budgetary Questions are encouraging in the references they make to progress achieved and deficiencies redressed, remaining weaknesses and the need for further consolidation notwithstanding. It is our firm determination to continue to build on what has already been achieved.

16. In that context, I would be remiss not to draw attention to the fact that the considerable progress made in recent years has only been possible as a result of the dedicated efforts of competent and highly motivated colleagues both in the field and at headquarters. They have given much convincing evidence of their devotion and professional abilities, often under the most exacting of circumstances. Such achievements should not be masked or diminished by the rare instances in which difficulties have arisen. In assessing our progress and charting our future path, it is impossible to over-emphasize the importance of the human factor, which alone can guarantee the effective utilization of resources and the overall quality of our programmes. Vital though their role may be, technical innovations remain secondary to the extensive human talent and dedication that we have at our disposal, not only among our own colleagues, but, equally important, among our many devoted counterparts from the community of non-governmental agencies.

17. As you are undoubtedly aware, the achievement of a balance between demonstrated needs and available resources has been a major preoccupation of my Office throughout 1989 and will evidently be so again in 1990. Elements of many programmes have been eliminated or postponed this year, while other activities have been pared down to the bare bone. Further economies are not possible without seriously endangering the fate - or even the very survival - of those in our charge. The operation undertaken this year has starkly highlighted the dilemmas involved in sharply reducing the scope of our programmes, while attempting nevertheless to meet the needs of refugees and the expectations of host and donor countries and to fulfil the mandate entrusted to my Office. The exercise has been a painful one for UNHCR. It would be misleading to pretend that it has not been even more so for refugees.

18. In the context of our common search for a formula that strikes an acceptable balance between needs and resources, much discussion has already taken place in the Sub-Committee on Administrative and Financial Matters with a view to devising an approach to guide us through the difficult time which lies immediately ahead. It is indispensable that the implementation of the formula devised be accompanied by a shared determination that my Office be provided with the resources to fulfil its mandatory obligations in 1990 and that a new and sustainable balance between needs and resources be achieved by the end of that period. And may I say of what imperative importance it is that the desired balance should take full account of the protection and assistance requirements, including durable solutions, so as not to waste the extensive investment made in recent years by the international

community as a whole and thus imperil the prospects for durable solutions in various parts of the world. Any more negative approach would drastically increase the already heavy burden on those countries that host the great majority of the world's refugee population.

19. We are aware that UNHCR is by no means the only organization in need of the scarce resources of the international community, and it is not our intention to deprive others of the support that is their due. We know that, outside the scope of our mandate, lies a wide range of other human needs just as legitimate and pressing as those of refugees. There are many who desperately require, within the boundaries of their own countries, urgent assistance with reconstruction or development. We do not seek to deprive them of any share of the international community's generosity. Not only would this be contrary to the humanitarian principles that guide our work, but it would also sow the seeds of future outflows of refugees. Nevertheless, we do emphatically seek to ensure that the universally applauded peace process and its widespread impact on the international climate today do not lead to a diminution of the resources available for the protection and assistance required by the victims of violence and persecution, particularly refugees. Solutions to refugee problems require long and careful gestation and any hesitation or drawing back by the international community will inevitably undercut the possibility of attaining them in either the immediate or more distant future.

20. With that in mind, may I make an urgent appeal to traditional donor countries and all other States or groups of States that may be in a position to contribute to the funding of our programmes to do so as a matter of the utmost urgency, in a spirit of international solidarity with both refugees and Governments of host countries. It is only through an intensification and widening of donor support that a true and equitable balance between the needs of refugees and the resources of the international community will be reached.

21. I cannot conclude my remarks without paying a proper and heartfelt tribute to our outgoing Chairman, Ambassador Jamal of the United Republic of Tanzania. Ambassador Jamal, a renowned friend of my Office and a tireless advocate of its goals, has been an invaluable source of guidance and inspiration during this last, and often difficult year. My staff and I are indebted to him for his leadership and unfailing co-operation. At the same time, it is with the greatest satisfaction that we congratulate you, Ambassador Dannenbring, on your election and welcome you to your office as Chairman of the fortieth session of the Executive Committee, a position in which your vast diplomatic and leadership skills will be deployed for the benefit of the world's refugees. I also extend my warmest congratulations to the other newly elected members of the Bureau in the knowledge that, as the Executive Committee embarks on its fifth decade of deliberations, a collective effort to support us in the execution of our humanitarian mandate is indispensable. What is now at stake, more than ever before, is the very ability of UNHCR and of the international community to take advantage of the opportunities offered to us by a new spirit of peace and reconciliation and to guarantee that, when the moment comes, long-awaited solutions will be both feasible and durable. What is required of us is a considerable investment not only in financial resources, but also in hope, solidarity and dedication. To turn away from the challenge that faces us is to squander the past investment all of us have made in our combined efforts to address the plight of refugees and steer the tragic situations of which they are the victims towards solutions. It is in the best interest of all of us to avoid such waste and retrogression by ensuring that the humanitarian principles enshrined in the 1951 Convention and all that has developed

therefrom in terms of our common approach to the protection and assistance of refugees are strictly observed and further consolidated. Political wisdom, common sense and human generosity forbid us from taking any other course.

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